CLASSIFICATION OFFICE DECISION

Title of publication:	bafc8a317c298499_0_embedded_1.jpg
Other known title(s):	Not stated
OFLC ref:	1900574.017
Medium:	Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	17 March 2020
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	17 March 2020

Summary of reasons for decision:

The image depicts a couple kissing. The Classification Office has considered whether the female subject is a young person. The age of the female is ambiguous and while there are aspects of her appearance that are youthful, she could easily be a young adult. As such she cannot unequivocally be said to be a young person. However, the unrestricted availability of the image is still likely to be injurious to the public good. While sex is not depicted, the image features a URL for a pornographic website which strongly sexualises the image. If children or young persons were to access the website they would be exposed to explicit sexual material. There is a common social consensus across many countries that explicit sexual material should be limited to adults because of the potential for harm to developing sexual attitudes and behaviours of young people from premature exposure to such material. If the image were to be submitted without a URL that allowed access to sexually explicit material it may well be classified differently. The image is therefore restricted to adults. This classification interferes with the right to freedom of expression as set out in the New Zealand Bill of Rights Act 1990 but is reasonable and justified in order to prevent injury to the public good.